

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CLYDE HARPER,	)	
	)	
Plaintiff,	)	8:17CV167
	)	
v.	)	
	)	
NE DEPT OF CORR. SERVICES,	)	<b>MEMORANDUM</b>
and NE BLUE CROSS BLUE	)	<b>AND ORDER</b>
SHIELD,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff, an inmate at the Tecumseh State Correctional Institution, has filed a complaint entitled “Identity Theft and Misuse of My Social Security Number.” (Filing [1](#).) As set forth in the Prison Litigation Reform Act, a prisoner cannot:

bring a civil action . . . or proceeding [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action . . . in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

[28 U.S.C. §1915\(g\)](#).

The following three cases brought by Plaintiff were dismissed as frivolous or for failure to state a claim:

- *Mumin v. Bartee*, Case No. 8:95CV291 (D. Neb.) (dismissed as frivolous);
- *Mumin and Watkins v. Dunning*, Case No. 8:98CV359 (D. Neb.) (dismissed for failure to state a claim); and

•*Mumin v. Mayo*, Case No. 8:12CV313 (D. Neb.) (defendants' motions to dismiss for failure to state a claim granted).

In light of the foregoing, the court will give Plaintiff 30 days in which to show cause for why this case should not be dismissed pursuant to the provisions of [28 U.S.C. 1915\(g\)](#). In the alternative, Plaintiff may pay the full \$400.00 filing and administrative fees. In the absence of good cause shown, or the payment of the necessary fees, this action will be dismissed.

IT IS THEREFORE ORDERED that:

1. Plaintiff has 30 days to either show cause for why this case should not be dismissed pursuant to 28 U.S.C. § 1915(g) or pay the court's \$400.00 filing and administrative fees.

2. The clerk's office is directed to set a pro se case management deadline in this matter with the following text: June 16, 2017: deadline for Plaintiff to show cause or pay fees.

DATED this 17th day of May, 2017.

BY THE COURT:

*s/ Richard G. Kopf*

Senior United States District Judge